

## SUBCHAPTER I—CIVIL DEFENSE

### PART 185—DEFENSE SUPPORT OF CIVIL AUTHORITIES (DSCA)

Sec.

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**AUTHORITY:** Legal authority includes, 10 U.S.C. sections 113, 331–335, 371–382, 2553, 2554, 2555, and 2564; 31 U.S.C. 1535–1536 (Economy Act); 42 U.S.C. section 5121 et seq. (Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act)); and Public Law 94–524, as amended (Presidential Protection Assistance Act of 1976).

**SOURCE:** 76 FR 2248, Jan. 13, 2011, unless otherwise noted.

#### § 185.1 Purpose.

This part:

(a) Establishes policy and assigns responsibilities for DSCA, also referred to as civil support.

(b) Supplements the regulations (in DoD Directive 5525.5)<sup>1</sup> required by section 375 of title 10, United States Code (U.S.C.), regarding military support for civilian law enforcement.

(c) Sets forth policy guidance for the execution and oversight of DSCA when requested by civil authorities or by qualifying entities and approved by the appropriate DoD official, or as directed by the President, within the United States, including the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States or any political subdivision thereof.

(d) Authorizes immediate response authority for providing DSCA, when requested.

(e) Authorizes emergency authority for the use of military force, under dire situations, as described in §185.4(i) of this part.

<sup>1</sup>Available for downloading at <http://www.dtic.mil/whs/directives/corres/pdf/552505p.pdf>

#### § 185.2 Applicability and scope.

This part:

(a) Applies to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the “DoD Components”).

(b) Applies to the Army National Guard and the Air National Guard (hereafter referred to collectively as the “National Guard”) personnel when under Federal command and control. Also applies to National Guard personnel when the Secretary of Defense determines that it is appropriate to employ National Guard personnel in title 32, U.S.C., status to fulfill a request for DSCA, the Secretary of Defense requests the concurrence of the Governors of the affected States, and those Governors concur in the employment of National Guard personnel in such a status.

(c) Applies to all DSCA (except the specific forms of DSCA listed in paragraph (d) of this section), including but not limited to:

(1) Mutual or automatic aid, also known as reciprocal fire protection agreements (see chapter 15A of title 42 U.S.C.).

(2) DoD fire and emergency services programs (see DoD Instruction 6055.06)<sup>2</sup>.

(3) Support of special events in accordance with applicable laws and DoD policy (see DoD Directive 2000.15)<sup>3</sup>.

(4) United States Army Corps of Engineers (USACE) activities as the DoD Coordinating and Primary Agency for

<sup>2</sup>Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/605506p.pdf>.

<sup>3</sup>Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/200015p.pdf>.

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Emergency Support Function #3, Public Works and Engineering, of the National Response Framework.

(5) Defense support to civilian law enforcement agencies (see DoDD 3025.12<sup>4</sup> and DoD Directive 5525.5).

(d) Does not apply to the following:

(1) Support in response to foreign disasters provided in accordance with DoD Directive 5100.46<sup>5</sup>.

(2) Joint investigations conducted by the Inspector General of the Department of Defense, the Defense Criminal Investigative Service, and the military criminal investigative organizations with civil law enforcement agencies on matters within their respective jurisdictions using their own forces and equipment.

(3) Detail of DoD personnel to duty outside the Department of Defense in accordance with DoD Instruction 1000.17<sup>6</sup>.

(4) Counternarcotics operations conducted under the authority of section 1004 of Public Law 101-510 (1991).

(5) Support provided by the USACE when accomplishing missions and responsibilities under the authority of section 701n of title 33, U.S.C. and Executive Order 12656.

(6) Assistance provided by DoD intelligence and counterintelligence components in accordance with DoD Directive 5240.01<sup>7</sup>, Executive Orders 12333 and 13388, DoD 5240.1-R<sup>8</sup>, and other applicable laws and regulations.

(7) Military community relations programs and activities administered by the Assistant Secretary of Defense

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for Public Affairs (see DoD Directive 5410.18<sup>9</sup> and DoD Instruction 5410.19<sup>10</sup>).

(8) Sensitive support in accordance with DoD Directive S-5210.36<sup>11</sup>.

(9) Activities performed by the Civil Air Patrol in support of civil authorities or qualifying entities when approved by the Air Force as auxiliary missions in accordance with section 9442 of title 10, U.S.C. and DoD 3025.1-M<sup>12</sup> except as restricted by §185.4(j) of this part.

(10) Innovative readiness training (formerly called “civil-military cooperative action programs”) (see DoD Directive 1100.20)<sup>13</sup>.

#### § 185.3 Definitions.

*Civil Authorities.* See Joint Publication 1-02<sup>14</sup>.

*Civil Disturbances.* See Joint Publication 1-02.

*Defense Domestic Crisis Manager.* The lead DoD official responsible for DoD’s domestic crisis management response, ensuring the information needs and other requirements of the Secretary of Defense are met, and developing, coordinating, and overseeing the implementation of DoD policy for crisis management to ensure DoD capability to develop and execute options to prevent, mitigate, or respond to a potential or actual domestic crisis. The Assistant Secretary of Defense for Homeland Defense and Americas’ Security Affairs (ASD(HD&ASA)) serves as the Defense Domestic Crisis Manager.

*Defense Support of Civil Authorities (DSCA).* Support provided by U.S. Federal military forces, DoD civilians, DoD contract personnel, DoD Component assets, and National Guard forces

<sup>4</sup> Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/302512p.pdf>.

<sup>5</sup> Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/510046p.pdf>.

<sup>6</sup> Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/100017p.pdf>.

<sup>7</sup> Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/524001p.pdf>.

<sup>8</sup> Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/524001r.pdf>.

<sup>9</sup> Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/541018p.pdf>.

<sup>10</sup> Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/541019p.pdf>.

<sup>11</sup> Document is classified and copies maybe requested by contacting USD(I), [USD1.pubs@osd.mil](mailto:USD1.pubs@osd.mil)

<sup>12</sup> Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/302501m.pdf>.

<sup>13</sup> Available by downloading at <http://www.dtic.mil/whs/directives/corres/pdf/110020p.pdf>.

<sup>14</sup> Available by downloading at [http://www.dtic.mil/doctrine/new\\_pubs/jpl\\_02.pdf](http://www.dtic.mil/doctrine/new_pubs/jpl_02.pdf).